

REMARKS

In the Office Action dated May 3, 2005, claims 1-3, 6-11, 13-15, 17-19, and 21-26 were rejected under 35 U.S.C. § 102 over U.S. Patent No. 5,231,492 (Dangi); and claims 4, 5, 12, 16, and 20 were rejected under § 103 over Dangi in view of U.S. Patent No. 6,757,823 (Rao).

STATEMENT OF COMMON OWNERSHIP

The present application and Rao were, at the time the invention of the present application was made, owned by, or subject to an obligation of assignment to, the same person (Nortel Networks Limited).

Therefore, Rao has been disqualified as prior art pursuant to 35 U.S.C. § 103(c).

REJECTIONS UNDER 35 U.S.C. §§ 102 AND 103

Independent claim 1 has been cancelled, without prejudice, to render the rejection of the claim moot.

Each of claims 4, 5, and 16 have been amended from dependent form to independent form, with the scope of each of the claims remaining *unchanged*. Claims 4, 5, and 16 were rejected as being obvious over Dangi and Rao. Since Rao has been disqualified as prior art pursuant to § 103(c), withdrawal of the rejection of these claims over Dangi and Rao is respectfully requested.

Amended independent claims 9, 15 and 23 now recite subject matter conceded by the Office Action as missing from Dangi. Claim 9 recites setting one of plural quality-of-service values in an IP packet; claim 15 recites setting one of plural quality-of-service indicator values in a quality-of-service field of an Internet Protocol packet; and claim 23 recites a plurality of queues to store Internet Protocol packets, each IP packet containing a quality-of-service indicator, the plural IP packets containing different quality-of-service indicator values that correspond to different coding rates. Therefore, independent claims 9, 15, and 23 are not anticipated by Dangi.

Dependent claims are allowable for at least the same reasons as corresponding independent claims.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0094US).

Respectfully submitted,

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